IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 118 of 2005

RAMJAN KHAN

V/S

MEHBOOB KHAN

Mr. BHUSHAN SINGH, for the appellant / petitioner

Date of Order : 3.11.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the impugned judgments.

Both the learned Courts below have found that vide Ex.2, the defendant agreed to pay Rs.1,05,000/-. Since Ex.2 does not show that the amount of Rs.1,05,000/- included Rs.35,000/- representing interest, the suit has been decreed.

Learned counsel was pointedly put, as to under what authority of law, the appellant is entitled to contend that the document Ex.2 should be reopened by going back into the history, so as to enable the appellant to show that the amount includes the amount of interest, which may not be recoverable, but the learned counsel could not satisfy about this.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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